

II. Remarks

Claims 1-56 of the present application are pending. Claims 3 and 39 have been withdrawn, claims 4, 5, 7, 17, 22, 23, 25, 35, 40, 41, 43, and 53 have been cancelled, and claims 1-3, 6, 8-16, 18-21, 24, 26-34, 36-39, 42, 44-52, and 54-56 have been rejected. By this paper, claims 1, 20, and 38 have been amended and claim 57 has been added. By the amendments and remarks provided herewith, the Applicant respectfully requests reconsideration and withdrawal of all rejections and objections. Support for the amendments is found in Applicant's specification as originally filed, specifically, in Figs. 2-10 and paragraphs [0011], [0028], [0029], [0041], and [0042].

Applicant sincerely thanks Examiner Severson for the telephonic interview conducted with Applicant's representative on May 15, 2008 and for the in person interview conducted with Applicant's representative on July 10, 2008. Applicant intends that the discussion of the claims and rejections will result in an early resolution of the issues. For example, Applicant has implemented the amendments suggested by the Examiner to overcome the references cited.

Responsive to the rejections of claims 1, 2, 6, 8-10, 18-21, 24, 26-28, 36-38, 42, 44-46, and 54-56 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,324,304 to Rasmussen (*Rasmussen*), *Rasmussen* fails to teach each and every element as set forth in the invention as claimed in each of the currently amended independent claims 1, 20, and 38.

For example, claims 1, 20, and 38 have been amended to recite that the free end of the secondary strut does not contact the plurality of primary struts. In the telephonic interview of May 15, 2008, the Examiner explained his interpretation that the far left ends of the secondary struts of Fig. 6 of *Rasmussen* that contact the primary struts are free ends of the secondary struts; however, the Examiner stated that an amendment to the claims clarifying that the free ends do not contact the primary struts would distinguish the invention over *Rasmussen*. Therefore, Applicant respectfully asserts that *Rasmussen* fails to teach, suggest, or disclose such limitation in its written description and figures. Thus, *Rasmussen* fails to teach

each and every element of the invention as claimed in independent claims 1, 20, and 38.

Similarly, claim 20 is currently amended to further recite that the free ends of the secondary struts are configured to engage the vessel wall in the expanded configuration. As stated above, during the telephonic interview of May 15, 2008, the Examiner stated that the secondary struts could be interpreted as having free ends at the leftmost point of the secondary struts as shown in Fig. 6 of *Rasmussen* (see also p. 3 of the Office Action dated April 30, 2008). Since the anchoring hooks or barbs of the primary struts of the *Rasmussen* filter are configured to engage the vessel wall in the expanded configuration, it is clear from Fig. 6 of *Rasmussen* that the leftmost ends of the secondary struts would not engage the vessel wall, since the leftmost ends are located inward from the barbs in the expanded configuration of the *Rasmussen* filter. As such, Applicant respectfully asserts that *Rasmussen* fails to teach, suggest, or disclose each and every element as claimed in currently amended claim 20.

Claims 2, 6, 8-10, 18, 19, 21, 24, 26-28, 36, 37, 42, 44-46, and 54-56 depend generally from one of claims 1, 20, and 38. Thus, claims 2, 6, 8-10, 18, 19, 21, 24, 26-28, 36, 37, 42, 44-46, and 54-56 are allowable for at least the reasons provided above.

Responsive to the rejections of claims 11, 13, 15, 16, 29, 31, 33, 34, 47, 49, 51, and 52 under 35 U.S.C. §103(a) as being unpatentable over *Rasmussen*, each of these claims depends generally from one of independent claims 1, 20, and 38. Thus, claims 11, 13, 15, 16, 29, 31, 33, 34, 47, 49, 51, and 52 are allowable for at least the reasons provided above.

Responsive to the rejections of claims 12, 14, 30, 32, 48, and 50 under 35 U.S.C. §103(a) as being unpatentable over *Rasmussen* in view of U.S. Patent No. 5,836,969 to Kim et al., each of these claims depends generally from one of independent claims 1, 20, and 38. Thus, claims 12, 14, 30, 32, 48, and 50 are allowable for at least the reasons provided above.

New claim 57 has been added. Claim 57 depends from independent claim 1. Thus, claim 57 is allowable for at least the reasons provided above.

Thus, claims 1-3, 6, 8-16, 18-21, 24, 26-34, 36-39, 42, 44-52, and 54-57 are in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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Date

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